

JAN 24 2013

SENATE CONCURRENT RESOLUTION

ENCOURAGING THE UNITED STATES CONGRESS TO ENACT FEDERAL
LEGISLATION TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT
OF 1976 TO STRENGTHEN CHEMICALS MANAGEMENT THROUGH POLICY
REFORMS.

1 WHEREAS, children, as well as developing fetuses, are
2 uniquely vulnerable to the health threats of toxic chemicals,
3 and early-life chemical exposures have been linked to chronic
4 disease later in life; and

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6 WHEREAS, a growing body of peer-reviewed scientific
7 evidence links exposure to toxic chemicals to many diseases and
8 health conditions that are rising in incidence, including
9 childhood cancers, prostate cancer, breast cancer, learning and
10 developmental disabilities, infertility, and obesity; and

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12 WHEREAS, the President's Cancer Panel report released in
13 May 2010 stated that the true burden of environmentally induced
14 cancers has been grossly underestimated and the panel advised
15 the President "to use the power of your office to remove the
16 carcinogens and other toxins from our food, water, and air that
17 needlessly increase health care costs, cripple our nation's
18 productivity, and devastate American lives"; and

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20 WHEREAS, workers in a range of industries are exposed to
21 toxic chemicals that pose threats to their health and increase
22 worker absenteeism, workers' compensation claims, and health
23 care costs that burden the economy; and

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25 WHEREAS, a recent national poll found that seventy-eight
26 per cent of likely American voters were seriously concerned
27 about the threat to children's health from exposure to toxic
28 chemicals in day-to-day life; and

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1 WHEREAS, states bear an undue burden from the effects of
2 toxic chemicals, including health care costs and environmental
3 damages, placing businesses that lack information on chemicals
4 in their supply chain at a disadvantage and increasing demands
5 for state regulation; and
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7 WHEREAS, the federal Toxic Substances Control Act of 1976,
8 was intended to authorize the United States Environmental
9 Protection Agency to protect public health and the environment
10 from toxic chemicals; and
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12 WHEREAS, when the Toxic Substances Control Act of 1976 was
13 passed, approximately 62,000 chemicals then used in commerce
14 were exempted and allowed to continue to be sold or used without
15 any required testing for health and safety hazards or any
16 restrictions on usage; and
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18 WHEREAS, since the Toxic Substances Control Act of 1976 was
19 enacted, the federal Environmental Protection Agency has
20 required chemical companies to test only two hundred of the
21 exempted 62,000 chemicals for health hazards and has issued
22 partial restrictions on only five chemicals; and
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24 WHEREAS, the Toxic Substances Control Act of 1976 has been
25 widely recognized as being ineffective and obsolete due to legal
26 and procedural hurdles that prevent the Environmental Protection
27 Agency from taking quick and effective regulatory action to
28 protect the public against well-known chemical threats; and
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30 WHEREAS, in January 2009, the United States Government
31 Accountability Office added the Environmental Protection
32 Agency's regulatory program for assessing and controlling toxic
33 chemicals to its list of high-risk government programs that are
34 not working as intended, finding that:
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36 (1) The Environmental Protection Agency has been unable to
37 complete assessments even of chemicals of highest
38 concern;
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40 (2) The Environmental Protection Agency requires
41 additional authority to obtain health and safety
42 information from the chemical industry and to direct
43 chemical companies to demonstrate the safety of their
44 products; and



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2 (3) The Toxic Substances Control Act of 1976 does not
3 provide sufficient chemical safety data for public use
4 by consumers, businesses, and workers and fails to
5 create incentives to develop safer alternatives; and
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7 WHEREAS, the National Conference of State Legislatures
8 unanimously adopted a resolution in July 2009 that articulated
9 principles for reform of the Toxic Substances Control Act of
10 1976 and called on Congress to act to update the law; and
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12 WHEREAS, in August 2010, the Environmental Council of
13 States, the national association of state environmental agency
14 directors, unanimously adopted a resolution entitled "Reforming
15 the Toxic Substances Control Act," which endorsed specific
16 policy reforms; and
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18 WHEREAS, ten states have acted together to launch the
19 Interstate Chemicals Clearinghouse to coordinate state chemical
20 information management programs, and a coalition of thirteen
21 states issued guiding principles for reform; and
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23 WHEREAS, over the last ten years, ninety-three state laws,
24 rules, and policies on chemical safety have been enacted; and
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26 WHEREAS, state policy leadership on chemical management,
27 although outstanding, cannot substitute for congressional
28 leadership to reform the Toxic Substances Control Act of 1976, a
29 reform that many individuals and entities agree is urgently
30 needed; and
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32 WHEREAS, the Toxic Substances Control Act of 1976 is the
33 only major federal environmental statute that has never been
34 updated or reauthorized; and
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36 WHEREAS, legislation to substantially reform the Toxic
37 Substances Control Act of 1976 was introduced during the 109th
38 Congress in 2005, the 110th Congress in 2008, the 111th Congress
39 in 2010, and again in the 112th Congress in 2011; now, therefore
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41 BE IT RESOLVED by the Senate of the Twenty-seventh
42 Legislature of the State of Hawaii, Regular Session of 2013, the
43 House of Representatives concurring, that members of the 113th
44 United States Congress are encouraged to enact federal



1 legislation to amend the Toxic Substances Control Act of 1976 to
2 strengthen chemical management through policy reforms that:

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- 4 (1) Require chemical manufacturers to prove that all
5 existing and new chemicals are not harmful to human
6 health and provide essential health and safety
7 information on chemicals to inform the market,
8 consumers, and the public;
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- 10 (2) Require immediate action to reduce or eliminate the
11 use of harmful chemicals, including persistent,
12 bioaccumulative and toxic chemicals and other priority
13 toxics to which the public is widely exposed;
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- 15 (3) Preserve the authority of state and tribal governments
16 to operate chemical management programs that are more
17 protective than those of the federal government;
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- 19 (4) Establish health safety standards for chemicals that
20 rely on the best available science to protect the most
21 vulnerable, such as children and developing fetuses;
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- 23 (5) Reward innovation by fast-tracking approval of new,
24 demonstrably safer chemicals, and invest in green
25 chemistry research and workforce development to boost
26 American business and create jobs related to making
27 safer chemical alternatives; and
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- 29 (6) Promote environmental justice by developing action
30 plans to reduce disproportionate exposure to toxic
31 chemicals in hot spot communities; and
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S.C.R. NO. 6

1 BE IT FURTHER RESOLVED that certified copies of this
 2 Concurrent Resolution be transmitted to the President of the
 3 United States, the Majority Leader of the United States Senate,
 4 the Speaker of the United States House of Representatives, the
 5 Administrator of the Environmental Protection Agency, and the
 6 members of Hawaii's congressional delegation.

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